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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,392	01/12/2001	Keith A. Lowery	066241.0110	1634

7590 10/19/2005

Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER	
WON, MICHAEL YOUNG	
ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Office Action Summary	Application No.	Applicant(s)	
	09/759,392	LOWERY ET AL.	
	Examiner	Art Unit	
	Michael Y. Won	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6-22 and 26-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1,6-17,19-22,26-33 and 35-45* is/are allowed.

6)☒ Claim(s) *18 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the Amendment After Final filed September 21, 2005, the Interview conducted on September 12, 2005, and telephonic communication conducted on October 6, 2005 and October 12, 2005.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

After further review, the examiner concluded that prior art of record did not explicitly teach all the limitations of independent claims 1, 22, 38, 41, 44 and 45, and therefore considered allowable. However, Boyle (US 5,864,854 A) and Major (US 6,542,967 B1) are still believed to explicitly teach the claim limitations of independent claims 18 and 34. Therefore, claims 18 and 34 have been rejected below.

The examiner called Mr. Matthew Hayenga (applicant's representative) on October 6, 2005 to discuss possible examiner's amendment canceling claims 18 and 34 to expedite the application to an allowance. Mr. Matthew Hayenga replied back on October 12, 2005 expressing that the applicant(s) have declined the examiner's suggestion.

2. Claims 1, 6-22, and 26-45 have been re-examined and are pending with this action.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record does not disclose, teach or suggest "establishing a primary distribution of the plurality of cache shares using the locator identifiers, the primary distribution indicating a first allocation of the plurality of cache shares among a plurality of clients; establishing a secondary distribution of the plurality of cache shares using the locator identifiers, the secondary distribution indicating a second allocation of the plurality of cache shares among the plurality of clients to be used in place of the primary distribution in response to a trigger occurrence" as recited in independent claims 1, 22, 38, 41, 44 and 45.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 18 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle (US 5,864,854 A) in view of Major (US 6,542,967 B1).

As per ***claims 18 and 34***, Boyle teaches a method and system for community data caching comprising: intercepting a request for the content at the cache module (see col.3, lines 9-14); determining a cache share responsible for the request (see col.3, lines 24-30 and col.6, lines 40-51), the cache share being associated with the cache community (see col.2, lines 37-40); determining whether the content associated with the request is available at the cache share (see col.3, lines 24-26); retrieving the content associated with the request from the cache share when the content associated with the request is available at the cache share (see col.3, lines 26-30); and retrieving the content associated with the request from an origin server when the content associated with the request is unavailable at the cache share (see col.3, lines 15-19 and col.6, lines 63-65) and storing the content associated with the request retrieved from the origin server at the cache share (see col.3, lines 9-13 and col.4, lines 23-24).

Boyle does not explicitly teaches of further comprising storing content marked as cacheable at the cache module and storing content unless the content is marked as non-cacheable at the cache module. Major teaches of storing content marked as cacheable at the cache module and storing content unless the content is marked as non-cacheable at the cache module (see col.7, lines 19-24). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Major within the systems of Boyle by implementing storing content marked as cacheable at the cache module and storing content unless the content is marked as non-cacheable at the cache module within the community data caching method and system because Major teaches that certain web pages change

with time and thus different information is displayed each time the page is accessed (see col.7, lines 24-30), therefore by caching only contents marked as cacheable saves cache memory space and processing time because contents marked as non-cacheable are continually changing and such contents would be old or stale if saved within a cache.

Boyle does not explicitly teach of further comprising expiring content stored at the cache module using a content expiration protocol comprises the Internet Cache Synchronization Protocol. Major teaches of expiring content stored at the cache module using a content expiration protocol (see col.6, lines 35-41 and col.7, lines 14-18) comprises the Internet Cache Synchronization Protocol. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Major within the systems of Boyle by implementing comprising expiring content stored at the cache module using a content expiration protocol within the community data caching method and system because such an implementation avoids old and stale data (see Major: col.6, line 37: "content is invalidated") thereby providing the requester with the most currently available information at the source.

Response to Arguments

5. Regarding claim 18 and 34, the applicant argues in substance "although the references cited by the Examiner disclose some content expiration functionality, they fail

to teach, suggest, or disclose the use of this specific content expiration protocol". Examiner respectfully disagrees. Major teaches of expiring contents in a cache by means of a "Time-To-Live (TTL) value". Clearly the specification regarding the definition of Internet Cache Synchronization Protocol teaches nothing more than such means as discussed above.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999).

Therefore, the applicant(s) are suggested to specifically point to the specification (page and line number) that defines Internet Cache Synchronization Protocol and explicitly state how such definition teaches away from the references cited.

The reference to US Patent Application 09/590,760 entitled "Method and System for Content Synchronization" to teach ICSP as a specific protocol is not given patentable weight because the application is the same assignee as the current pending application and such application has not received a patented status.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won

October 12, 2005

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER